

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

STATE OF TEXAS,

Plaintiff,

v.

MIGUEL CARDONA, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF
EDUCATION, *ET AL.*,

Defendants.

No. 4:23-cv-00604-O

**[PROPOSED] ORDER GRANTING TEXAS'S
MOTION FOR SUMMARY JUDGMENT**

Before the Court is Plaintiff's Motion for Summary Judgment. The Court, having considered the arguments and evidence of the parties, is of the opinion that Plaintiff's Motion should be **GRANTED**.

It is therefore **ORDERED** that Plaintiff's Motion for Summary Judgment is hereby **GRANTED**.

The Court hereby **ORDERS** that, as of the date of this order, Defendants and their agents are **ENJOINED** from implementing or enforcing the notice published in the Federal Register on June 22, 2021 and entitled "Enforcement of Title IX of the Education Amendments of 1972 with Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*," the letter dated June 23, 2021 and entitled "Letter to Educators on Title IX's 49th Anniversary," and the fact sheet dated June 2021 and entitled "Confronting Anti-LGBTQI+ Harassment in Schools" (collectively, the "Guidance Documents"). Defendants and their agents are **ENJOINED** from enforcing the Guidance Documents against Plaintiff and their respective

schools, school boards, and other public, educationally based institutions. Further, Defendants and their agents are **ENJOINED** from initiating, continuing, or concluding any investigation based on Defendants' interpretation that the definition of sex includes gender identity or sexual orientation in Title IX's prohibition against discrimination on the basis of sex. Additionally, Defendants and their agents are **ENJOINED** from using the Guidance Documents or asserting the Guidance Documents carry any weight in any litigation in or against Texas that is initiated following the date of this Order.

The Guidance Documents are hereby **VACATED**.

The Court further **DECLARES** that the anti-discrimination provisions of Title IX of the Education Amendments of 1972 does not include sexual orientation or gender identity.

This order shall be binding on Defendants and any officers, agents, servants, employees, attorneys, or other persons in active concert or participation with Defendants.

SO ORDERED.

REED O'CONNOR
UNITED STATES DISTRICT JUDGE